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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,825	11/30/2001	Michael B. Sundel	002250-2	2660

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/996825

Applicant(s)

Sundel

Examiner

Ahes, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/15/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Response to Appeal Brief***

1. This action is issued in response to applicant's Appeal Brief(Paper # 9) filed 9/15/03.
2. Prosecution is reopened.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 USC 103(a) as unpatentable over Green(US Pat. No: 5,664,110) in view of Blinn(US Pat. No:5,897,622) in view of Caveney(US Pat. No: 5,038,283) and further in view of Pool(US Pat. No: 6,460,020).

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5. As per claims 1-21 Green teaches a remote ordering system for shipping a product from a remotely located distribution center(Fig 1/10-14) which also comprises data for the package data(col 2 lines 51-55) including shipper and shipping information(col 13 lines 9-19).Green teaches a method for using a computer apparatus located at an order center for shipping a product from a remotely located distribution center(Figure 1/10-14)including the steps of producing output electrical signals representing a packing list for an order of a product by causing an order

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center apparatus located at an order center to change input digital electrical signals into the output digital electrical signals(Figure 1/10)(col 2 lines 51-55), the order center apparatus including a computer having a processor(Figure 1/12)(col 2 lines 55-57), the processor electrically connected to a memory device for storing and retrieving machine readable signals in the memory device,(Figure 1/14)(col 2 lines 57-62) to an input device for receiving input data and converting the input data into the input electrical signals, and to an output device for receiving the output electrical signals, and wherein the processor is controlled by a computer program to implement the step of producing and assigning shipping information signals to the order with a digital electrical computer shipping apparatus, linking, by digital communication(col 3 lines 27-29)(Figure 10/130), the signals representing the packing list with the shipping information signals; transmitting the signals representing the packing list to, and receiving the signals representing the packing list at a printer device at a distribution center located remotely from the order center(col 13 lines 9-19)(Fig 10/134) printing the packing list at the printer device at the distribution center and shipping the product specified by the packing list, in accordance with the shipping information signals, from the distribution center.Green discusses the product description(Fig 12).Green further discloses the individual contents of the packages by individualized elements(Fig 3).as well as individualized identities(Fig 4)(Fig 5)(Fig 10) as well as scanning individual items by product codes for identification(col 7 lines 49-55)(col 8 lines 17-20)(col 12 line 38-col 13 line 35).In addition to that taught by Green, Blinn also teaches an order processing module for orders for identified specific products(Fig 10) and their respective

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identifications(Fig 15A)(col 12 line 8-34)(col 14 lines 36-61)(col 17 line 64-col 18 line 24)(col 23 line 24-50). Blinn teaches providing order tracking and delivery information over the Internet for waybill shipping in accordance with the order(Fig 1/104/100)(Fig 2/124/122/123/125/129/130/131/132)(Fig 8)(Fig 10/129/125/122)(Fig 14)(col 3 line 46-col 4 line 26)(col 8 lines 1-7)(col 12 lines 8-56)(Fig 12)(col 17 line 18-41).Blinn further teaches tax processing including refunds(Fig 2/132). In addition to that taught by Blinn, Caveney further teaches a shipping method incorporating transmitting from a shipping location computer a packing record identifying an individual container and the items contained therein to a programmable computer located at a shipping destination of the container(Abstract) such that as a container is received at a shipping destination a bar code on the container can be entered into the computer database and used to identify the container packing record for the customer and all the items contained within the container(Abstract)(Fig 1)(Fig 2).Caveney teaches executing a computer program to compare the bar codes of the items recorded in the container packing records for the received container with the items in the customer order list(Fig 2) and recording in the database of the shipping location computer the barcodes of the shipping container and the items shipped in the container to define a container packing record(Fig 1)(col 1 line 25-col 2 line 4).In addition to that taught by Caveney, Pool further teaches customs records and charges on international transactions(Fig 1B/185/187/188/186/140/142/134). Pool further teaches that an international shopping and transaction system for Internet shopping incorporate funds transfer and shipping information for every leg of the journey(col 3 line 60-col 4 line 31) as well as

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transport and insurance charges(col 7 line 28-col 9 line 20).Pool teaches customs duties and recording of such in the international transaction(col 10 line 64-col 12 line 45). It would have been obvious to one skilled in the art at the time of the invention to combine Green in view of Blinn to teach the above. The motivation for this is to describe an on line ordering and delivery system for customer orders having a plurality of components configured to create and process and order as delineated by Blinn(col 4 lines 1-7).It would have been obvious to one skilled in the art at the time of the invention to combine Green in view of Blinn and further in view of Caveney. The motivation to combine is to teach an on line ordering and delivery system for customers where a recording is made of the shipped container indicia and identification indicia of items shipped in the container as a container package record as enunciated by Caveney(col 39-43).It would have been obvious to one skilled in the art at the time of the invention to combine Green in view of Blinn in view of Caveney and further in view of Pool to teach the applicant's disclosure. The motivation to combine is to teach an on line ordering and delivery system for customers where a recording is made of the shipped container indicia and which permits a buyer to go shopping by computer anywhere in the world as delineated by Pool(col 2 lines 60-63).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. **THIS ACTION IS MADE NON-FINAL.**

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8. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

December 12, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER